

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3722

Elbert Brown,

Appellant,

v.

Jo Anne B. Barnhart, Commissioner of
Social Security Administration,

Appellee.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: July 30, 2003
Filed: August 5, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Elbert Brown appeals the district court's* order dismissing for lack of jurisdiction Brown's appeal of the Commissioner's denial of disability insurance benefits (DIB). When Brown filed a third application for DIB, the Commissioner dismissed Brown's request for a hearing on the basis of res judicata; the Commissioner also determined good cause did not exist to reopen the final decision

*The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerry Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas.

on Brown's second application. The district court concluded it lacked jurisdiction to review the Commissioner's res judicata determination and refusal to reopen. On de novo review, see Boock v. Shalala, 48 F.3d 348, 351 & n.2 (8th Cir. 1995), we affirm for the reasons stated by the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.